



BLACK LIST.

A LIST OF THOSE TORIES
WHO TOOK PART WITH GREAT-BRITAIN,

In the Revolutionary War,

AND WERE ATTAINED OF

HIGH TREASON.

COMMONLY CALLED THE

BLACK LIST!

TO WHICH IS PREFIXED THE LEGAL OPINIONS OF
ATTORNEY GENERALS, MC. KEAN & DALLAS,

&c.

PHILADELPHIA :

PRINTED FOR THE PROPRIETOR.

1802.

BLACKLIST

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1970

AN ALPHABETICAL LIST
OF ALL PERSONS
ATTainted OF HIGH TREASON
IN PURSUANCE OF THE TREASON LAWS
OF PENNSYLVANIA.

THE LEGAL QUALIFICATIONS
OF VOTERS.

See READ's digest, page 100, sect. I. See also
the act of February 15th. 1799. (Vol. 4th.
page 332.)

First, that he is a *natural born* citizen of this state, or was settled therein on the twenty-eighth day of September, one thousand seven hundred and seventy-six ; or, having been a *foreigner*, who since that time came to settle therein, he hath taken an *oath* or *affirmation* of allegiance to the same, on or before the twenty-sixth day of March, one thousand seven hundred and ninety, agreeably to the then existing constitution and laws ; or, *se-*

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condly, that he is a *natural born citizen* of some other of the United States, or had been lawfully admitted or recognized as a citizen of some one of the said states, on or before the twenty-sixth day of March, one thousand seven hundred and ninety ; or *thirdly*, that having been a *foreigner or alien*, he hath been naturalized conformably to the laws of the United States. That as evidence of his being naturalized agreeably to the laws of the United States, *he* shall produce a certificate thereof, under the seal of the court wherein such naturalization took place ; that as evidence of his being a *natural born citizen* of this state, or resident therein, on the twenty-eighth day of September, one thousand seven hundred and seventy-six, or a *natural born citizen* of some other of the United States, if required by any Inspector or Judge of the election, *he* shall be examined on his *oath or affirmation* ; that as evidence of his having taken an *oath or affirmation of allegiance* to this state, on or before the twenty-sixth day of March, one thousand seven hundred and ninety ; or, of having been lawfully admitted, or recognized as a citizen of some other of the United States, on or before the said day, if required by an Inspector or Judge of the election, *he* shall produce a certificate in due form, from some Judge, Prothonotary, or Clerk of a court, Mayor, Alderman, Recorder or Justice of the Peace ; or shall be examined on his *oath or affirmation* ; and if by such certificate or examination as aforesaid, it shall appear that he is a citizen of this state, qualified to elect, agreeably to the provisions of this act, his vote shall be received by the Inspector of the Township, Ward or District, in which he resides.

*The Legal Opinion of Messrs. Dallas and
Mc. Kean, on the Duty of Inspectors of
Elections, and qualification of Voters.*

We are of opinion, that the officers of the Election have a right, and are in duty bound, to ascertain, by every legal test, the qualification of the Electors ; and that the vote of an Elector, who refuses to depose, or affirm, to his qualifications, upon a question, that does not tend to criminate himself may be, and ought to be rejected.

We are of opinion, any inhabitant of Pennsylvania, (whether a native or not,) who made his choice to the British cause at the commencement of the Revolution, thereby became a British subject, and that such choice might be manifested by joining the British forces, or taking an oath of allegiance to the king of Great Britain.

We are of opinion, that in order to ascertain, whether an Elector is a British subject, or an American citizen, upon the principle above stated, the officers of the Election may, and if they doubt, must ask him, whether during the Revolution, he joined the British forces, or took the oath of allegiance, to the king of Great-Britain, and at what period ? Nor, can such a question tend, in our opinion, to criminate him.

We are of opinion, that no man who has been attainted during the American Revolution can be entitled to vote at an election, unless the attainer has been reversed, or a pardon has been granted, by the proper authority of the government.

A. J. DALLAS,
J. B. Mc. KEAN.

Philadelphia, October 12th. 1801.

QUESTION.

Are those persons who took the Oath or Affirmation of Allegiance, or joined and adhered to the king of Great-Britain, after the 4th. day of July 1776, and now resident in Pennsylvania, to be considered as Citizens of Pennsylvania, and entitled to elect or be elected members of Assembly, &c. ?

ANSWER.

Upon every change of government, by a majority of the citizens, either, by the formation of a new system of government, or the resolution of the citizens, to submit to a foreign power, or no longer to be subject to a monarch, those who are averse to the change or disapprove the system adopted by the majority, have a right to leave the society and settle elsewhere. The election to expatriate must however be made within a reasonable time, and once made the party cannot regain the rights of a citizen, without complying with the forms prescribed for the naturalization of foreigners, by the society which he has deserted. The election may be evinced, by the declaration of the party, by an act of the party, as by a departure and joining another state, by taking an oath of Allegiance to, or aiding, or assisting another state, at war with the state or society he has left; but those who continue to reside and exercise the rights and privileges of a citizen, after a reasonable time allowed for their departure, are considered as having made their election to submit, and owe allegiance, to the government in which they

reside, and cannot afterwards expatriate themselves, *flagrante bello*, by taking an Oath of Allegiance to or joining the enemy.

Previous to the Declaration of Independence we were in a state of civil war, then each individual had a right to choose his side, after that act we assumed the character of an independent nation, the majority of the people refusing longer to be subject to a monarchical government, 'till the formation and organization of the State governments, any individual was at liberty to make his election. The government of Pennsylvania may be considered as completely organized on the 11th February, 1777; when an act passed, declaring who should owe allegiance to Pennsylvania, and what should be treason. It may therefore be proper to subdivide the question and consider,

1. The situation of those who previous to the 11th February 1777, adhered to the King of Great-Britain.

2. The situation of those who, after that time, took the oath of allegiance, or joined the British and have been *attainted* of high treason.

3. Of those who after 11th February 1777, took the oath of allegiance to, or joined the British armies, and were *not attainted* of treason.

1. With respect to those who, previous to Feb. 11, '77, made their election, and adhered to the British, I conceive there can be no doubt, they became British subjects, and could not afterwards become citizens of Pennsylvania, but by complying with the forms, &c. prescribed in the acts for the naturalization of foreigners. This principle seems to be settled by case of the Commonwealth against Chapman, determined in the supreme Court of Pennsylvania, in April 1781.

2. With regard to those who after Feb. '77, joined the British, and were *attainted* of treason, where the attainer has not been reversed or a pardon procured, they cannot be considered as restored to the rights of citizenship. The treaty of peace did not operate as a reversal of the attainer nor as a pardon, but only protects the persons from further prosecution or punishment.

3. As to the third class, who after the 11th Feb. '77, took the oath of allegiance to the King of Great-Britain, or joined the British armies, and were not *attainted* they cannot be considered as expatriated, tho' such acts might be deemed overt acts of treason, they ~~must~~ still be considered as citizens, and entitled to the rights of citizenship. Till attainer, their rights were not forfeited. The test laws have now no operation on the question, unless to shew the sense of the Legislature in support of the above principle. By the eleventh section of the act of 5th Dec. 1778, it is enacted that those who had taken the oath or affirmation of Allegiance to the state, and afterwards to the king of Great-Britain, should be incapable of election, &c. until they should take the oath therein prescribed by the act of 13th March, 1789, all the test laws were repealed, and the oath or affirmation of Allegiance, &c. rendered unnecessary. So that those who took an oath of Allegiance to the King of Great-Britain, joined his armies, or committed any other treasonable act, are not disfranchised unless attainted.

J. B. Mc. KEAN.

AN ALPHABETICAL LIST
OF ALL PERSONS ATTANTED OF
HIGH TREASON,
IN PURSUANCE OF THE TREASON LAWS OF THE
STATE OF PENNSYLVANIA.

Allen John, *died before the* Allen James, *surrendered*
day limited for the sur- and died.
Allen Isaac,
Allen Andrew,
Allen William, junr.
Austin William,
Armstrong Francis,
Armstrong William,
Airey John,
Ashbridge Aaron, *dis- charged by Sup. Court.* Adams Susanna,
Andrews William,
Biddle John,
Bartram Alexander,
Biles Samuel,
Bulla Thomas,
Braken James,
Brooks Boyer, *surrendered and discharged.*
Badge Thomas,
Bulla John,
Bray John,
Bramhall Thomas,
Brown John, *surrendered and discharged.*
Buckingham John,
Bolton Joseph, *tried and acquitted.*
Butcher John,
Bryan Joel, *surrendered.*
Burns George,
Balderstone Mordecai,

Adams John,
Arthur Peter,
Apsden Matthias,
Arnold Benedict,
Anderson Stephen,
Adams Jonathan,
Anderson William.
Barton Thomas, do.
Bean Jesse, do.
Buffington Jacob,
Bullock Isaac,
Burnet John, *surrendered and discharged.*
Bell Samuel, do.
Burk Isaac,
Burns Thomas,
Bell William,
Brown James,
Burd John,
Burr Hudson,
Burkett John,
Burk John,
Burge David,
Barrow Samuel,
Bartelt John,
Booth Benjamin,
Bond Phineas.

Brown William,	Brown George,
Burrows Samuel,	Boyer Jacob,
Boatman George,	Bare Abraham,
Brown Benjamin, carpenter, surrendered and discharged.	Buffington Joshua, tried and acquitted.
Briggs George, do.	Buffington Richard,
Carlisle Abraham,	Blackford Martin.
Clifton Alfred,	Canby Thomas,
Clifton William, surrendered and discharged.	Campbell Arthur,
Compton William, do.	Chapman Samuel, tried and acquitted.
Corry Robert, do.	Chapman Amos,
Christy William,	Chapman Abraham,
Carver Nathan,	Chapman David,
Cunrad Robert,	Clark Abraham, surrendered and discharged.
Coxe Daniel,	Chapter Jacob,
Chalmers James,	Caldwell William,
Couper Robert,	Clark William,
Chevalier John, surrendered and discharged.	Crickly Michael,
Club James,	Curlain William,
Cunningham John, surrendered and discharged.	Croghan George, surrendered and discharged.
Conner Michael,	Colston John,
Coley Robert, junr.	Comely Joseph,
Cable John, surrendered and discharged.	Campbel John,
Canby Joseph,	Campbel William,
Duche Jacob, junr.	Campbel Peter,
Deshong Peter, tried and acquitted.	Clark John,
Dawson David,	Crochion Dennis,
Deleplain James, surrendered and discharged.	Corker William,
	Corbet Alexander.
	De Normandie William,
	Davis William, tried and acquitted.
	Davis George,
	Dunn William,
	Dunn Malin,

Davis James,	do.	Dunn George, <i>surrendered and discharged.</i>
Davis Benjamin,		
Dove Robert, <i>surrendered</i>	Dennis John,	
<i>and discharged.</i>	Delong James,	
Doan Joseph,	Dolston Isaac,	
Dennis Henry,	Dolston Matthew,	
Dennis John,	Dolston Isaac, junr.	
Doble Joseph,	Dunn George,	
De Normandie Andrew,		
Evans Abel,	Effinger Henry, junr.	
Eve Ofwald,	Elliott Matthew,	
Evans Israel,	Evans William,	
Evans William,	Evans John,	
Evans Joel,	Elliott Andrew,	
Easton Dennis,	Ensor George,	
Elwood John, <i>tried, convicted and pardoned.</i>	Eddy Charles,	
Edwards Joseph, <i>surrendered and discharged.</i>	Eddy Thomas,	
Erwin Edward,		
Fouts Christian,	Fields Daniel,	
Ferguson Hugh Henry,	Fields Gilbert,	
Fisher Coleman,	Furner Morris,	
Fisher James, <i>surrendered and discharged.</i>	Furner Edward,	
Fegen Lawrence,	Falkenstine Jacob,	
Fell William,	Fleming Law,	
Featherly Thomas,	Fox John,	
Falkenstone Abraham,	Fairlamb Samuel,	
Fursuer Andrew,	Fincher Benjamin,	
Fields George,	Fox Joseph,	
Galloway Joseph,	Griffith Evan,	
Garrigues Samuel, <i>the Green Isaac, junr. elder, tried and anquitted.</i>	Gibbs Benjamin, <i>surrendered and discharged.</i>	
Gregson James, do.	Gorman Enoch, do.	
Gregory David,	Girty Simen,	
Gelmore James,	Green Thomas,	
Gosling John, <i>surrendered and discharged.</i>	Gibson Edward,	

Good George,	Gorman James, <i>surrendered and discharged.</i>
Griffel Edward, <i>surrendered and discharged.</i>	Grefwold Joseph,
Gill Joseph,	Gordon Thomas,
Gordon Henry,	Givin Hugh,
Hicks Gilbert,	Howell John,
Hook Christian,	Hendrickson Jeremiah,
Hanlon Edward,	Harvey John,
Hovendon Richard,	Hill Henry,
Holder John, <i>tried and acquitted.</i>	Hains Caleb,
Holder Jacob,	Hart Samuel,
Holder George,	Hartnet James, <i>tried and acquitted.</i>
Holtzinger Ingelholt,	Henry William,
Humphreys James, senr.	Hardy Peter,
<i>surrendered and discharged.</i>	Hughes Uriah, <i>surrendered and discharged</i>
Hart John,	Hutchinson Isaac,
Hart Chamless	Hutchinson Thomas,
Howard Peter	Hutchinson Marmaduke
Hathe Andrew, <i>tried and acquitted.</i>	Hare Jacob,
Huntsman John,	Hare Michael,
Hurst Timothy,	Hill Patrick,
Hales John,	Hutchinson John,
Henderson John,	Harvey Samuel,
Hill John, <i>surrendered and discharged.</i>	Housecker Nicholas,
Iredale Robert, junr.	Hughes Thomas,
Iredale Thomas,	Humphries James, jur.
James Jacob,	Jones David, <i>surrendered.</i>
James Abel, <i>surrendered and discharged.</i>	Iredale Abraham,
Johnston John,	Irwin Alexander,
Irwin Dunning,	Inglis James,
Jefferies Samuel, <i>surrendered and discharged.</i>	Jones Edward,
Jounkin Henry,	Jones Jonathan,
James Benjamin,	Jones Jeffe,
	Jones Daniel,
	Jones Holton,
	Jones Hugh,

Ink John,	Janes Daniel,
Irwin Francis,	Jackson John.
Keen Reynold, <i>Pardon- ed by act of Assembly.</i>	Kennett Levy,
Kucker Ludwick, <i>surrendered and discharged.</i>	Kennedy William,
Knight Joshua,	Kissack Robert,
Knight John,	Kilby Lawrence,
Knight Isaac, <i>un- rendered and discharged.</i>	Kennard Joseph,
Koster Samuel,	King Joseph,
Koster John,	Keselmon Frederick, <i>sur- rendered and discharged.</i>
Knight Nicholas,	Knapper George,
Leveisly Thomas, <i>surrendered and discharged.</i>	Kearslay John,
Love William,	Kennard Joseph.
Lisle Henry, <i>surrendered and discharged.</i>	Lindon Hugh,
Lisle John, <i>surrendered and discharged.</i>	Lindy Uriah,
Lisle Robert, <i>surrendered and discharged.</i>	Long Abraham,
Lewis Curtis,	Lawson James,
Loosley Robert,	Loughborough John,
Miller Peter, <i>tried and acquitted.</i>	Little James,
Marchenton Phillip,	Land Robert,
Moland William, <i>surrendered.</i>	Land John,
Mc. Hugh Matthew <i>sur- rendered and discharged.</i>	Lightfoot Thomas, <i>sur- rendered and discharged.</i>
Mc. Collough Kenneth	Lindsay Samuel,
Meng Melchoir, <i>surrendered and discharged.</i>	Millson John,
Meng Jacob, <i>tried and acquitted.</i>	Madock William,
Mc. Mutrie William. <i>sur- rendered and discharged.</i>	Malin James, <i>surrendered and discharged.</i>
Morris William,	Miller Benjamin, <i>do.</i>
	Mc. Clarin James,
	Maris David,
	Morgan Moses,
	Marr Lawrence,
	Mc. Michael Edward,
	Mc. Cart John,
	Mc. Kee Alexander,
	Marshall William, <i>sur- rendered and discharged.</i>

Myaer Jacob, surrendered and discharged.	Morris Enoch, Masee Henry, surrendered and discharged by the name of Henry Maag.
Moran Charles, Michenor Isaac, Mc. Mullan James, Martin Thomas, Moulder John, Malin Joseph, surrendered and discharged.	Mc. Neal Dominick, Mackinett John, Mackness Thomas, Meredith John, Mc. Donald Alexander, Mc. Hensie Kenneth, Mc. Pherson William,
Malin Elitha, Pardon. Musgrove John, Nixon Robert,	Mc. Hensie Kenneth, Mc. Pherson William,
Oswalt Henry, O Kain Hugh, Potts John, Pugh James, Pugh Hugh, Price William, Parrrock John, Potts David, surrendered and discharged.	O Kain Darby, Overholt John, Price Peter, Poor John, tried and acquitted. Park Abijah, Proctor Joshua, Palmer Richard, surrendered and discharged,
Pastorius Abraham, Parker John, Pyle Caleb, surrendered and discharged, Pike John, do. Palmer John, do.	Perlie Peter, Patterson John, surrendered and discharged, Piles William, Proctor Joshua,
Rankin James, Roberts John, Rankin John, Roberts Owen, Reine George, Reine John, Ross Malcom, Roker Thomas, Riddle James, surrendered and discharged. Robeson Peter, do.	Romigh Jacob, Rodgers John, Rickey Alexander, Register Daniel, surrendered and discharged, Rymel John, Ross William, Russel Matthew, Rhoden William, Roberts Nathan, Robeson John,

Robeson Jonathan, junr.	Rundle Daniel <i>surrendered and discharged.</i>
Roberts John, (Labourer.)	Reid John,
Roberts John, (Smith)	Ross Alexander,
Richardson Jacob <i>surrendered and discharged.</i>	Rankin William,
Story Enoch,	Spangler George,
Stephenson James,	Saur Peter,
Smith John,	Styer Stephen, <i>surrendered and discharged.</i>
Skyles Henry,	Skelton William,
Swanwick John,	Stackhouse John,
Sutton Joseph,	Stackhouse John,
Sanderson Francis, <i>surrendered and discharged.</i>	Swift Joseph,
Sproat David,	Stroud William, <i>surrendered and discharged.</i>
Story Thomas, <i>surrendered and discharged.</i>	Supplee John, <i>do, ignoramus bill.</i>
Stephens James, <i>tried and acquitted.</i>	Smith William, <i>do.</i>
Stedman Charles, junr.	Spering John,
Shepherd John,	Stackhouse John,
Sutter Peter, <i>surrendered and discharged.</i>	Stackhouse Robert,
Saur Christopher junr.	Snyder Peter,
Saur Christopher, senr.	Smith Alexander,
Shoemaker Joseph, <i>rendered and discharged.</i>	Smith William Drewett,
Suppiee Enoch,	Stedman Alexander,
Styger Stephen, <i>surrendered and discharged.</i>	Silkod Thomas,
Stiles Edward, <i>do.</i>	Shaw Johnathan,
Swanwick Richard,	Smith Andrew <i>surrendered and discharged.</i>
Skyles Henry,	Stillwell John,
Smither James,	Stuarks Henry,
Stansbury Joseph, <i>surrendered and discharged.</i>	Stringer Henry,
Thomas Arthur,	Sinclair George,
Thomas Joseph,	Simpson William,
Thomas William,	Shoemaker Samuel,
	Talbot John,
	Trego Jacob,
	Thomson Joshua,

Thomas Joshua,	Taylor John,
Tittly Benjamin,	Thomas Arthur,
Town Benjamin,	Todd Cortland,
Taylor William,	Taylor Isaac,
Taylor William,	Talbert James,
Tolly John,	Thomas Evans,
Thomson David,	Turner John.
Taylor John,	
Vernon Nathaniel,	Vernor Elias,
Vernon Nathaniel, junr.	Vaughan John,
Verner Frederick,	Voght Christian.
Vernon Gideon,	
Walton Albinson,	White Robert,
Willet Walter,	Warrel James,
Wilson John,	Wright William,
Witman Michael,	Weston Richard,
Wharton Carpenter,	Weitner George,
Wharton Isaac,	Wertman Philip George,
Welflang Henry,	Williams Daniel,
Williams William,	Walker Isaac.
William Ephraim,	Warder John,
Wilson Christopher.	Waln James,
Worral Isaiah,	Worthington Joseph,
Wood Moses,	West William junr.
Willis William,	Wright John,
Willis Richard,	Wright Jonathan,
Wilson John,	
Young John,	Young David,
Yeldall Anthony,	Yeldall Anthony,
York Thomas,	

*Secretary's Office, Lancaster,
September 18th. 1802.*

I DO CERTIFY to all whom it may concern, that the foregoing is a true copy of the Original, remaining on file, in the said Office—Witness my hand, and seal the day and year aforesaid.

T. M. THOMPSON. SEC.

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